

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

In re:	:	MDL Docket No. 4:03CV1507-WRW
	:	4:05CV00163
PREMPRO PRODUCTS LIABILITY LITIGATION	:	
	:	
	:	
LINDA REEVES	:	PLAINTIFF
	:	
v.	:	
	:	
WYETH	:	DEFENDANT

ORDER

After much reflection, I have decided that Plaintiff should not be permitted to present a fraud theory to the jury.

First off, I want to note that my reference to “fraud” as a surviving cause of action in the order of July 11 ,2006 was inadvertent.¹

Plaintiff did not plead fraud in its Second Amended Complaint, and, I have no reason to doubt the statement of Plaintiff’s counsel that this failure was inadvertent. In view of this, I would normally permit Plaintiff to amend to attempt to plead fraud with sufficient specificity, but we are now too near the trial date, and I am satisfied that amendment at this late date would probably prejudice Defendant.

I would like for Defendant’s counsel to address, with specificity, their idea of what evidence will be inadmissible, absent a fraud allegation. In other words, what evidence does Plaintiff now have on the table that should be removed as a result of this order; of course, I will allow Plaintiff’s counsel to respond. I anticipate that this issue will be addressed during the hearing that will commence Monday morning.

IT IS SO ORDERED this 29th day of July, 2006.

/s/ Wm. R. Wilson, Jr.
UNITED STATES DISTRICT JUDGE

¹Doc. No. 223.